

### **REMARKS**

Applicant asks that all claims be allowed in view of the following remarks. Claims 22-38 and 40-51 are now pending, with claims 22, 35, 40, and 41 being independent. No new matter has been added.

### **Double Patenting**

Claims 22, 23, 25-42, and 44-51 were rejected on the ground of nonstatutory double patenting over claims 1-24 of U.S. Patent No. 6,781,608 and claims 24 and 43 were rejected on the ground of nonstatutory double patenting over claims 1 and 17 of U.S. Patent No. 6,781,608 in view of Tang (U.S. Patent No. 6,349,327). A terminal disclaimer in compliance with 37 C.F.R. §§ 3.73(b) and 1.321(b) is being filed concurrently with this amendment. Therefore, for at least this reason, Applicant respectfully requests reconsideration and withdrawal of the double patenting rejection of claims 22-51.

Notably, the terminal disclaimer has merely been filed to expedite allowance of the claims of this application, and no substantive position should be attributed to its filing. In fact, in making this rejection, the office action characterizes the currently pending claims and previously issued claims generally and with respect to each other, in addition to characterizing what would have been known or obvious to one of skill in the art. Applicant does not acquiesce to any of these characterizations.

### **Claim Rejections Under 35 U.S.C. § 101**

Claims 35, 39, and 41-51 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 39 has been cancelled, thereby rendering the rejection of claim 39 moot. Claims 35 and 41-51 have been amended. Applicant respectfully submits that the amendments to claims 35 and 41-51 address all of the issues raised in the Office action. Therefore, Applicant respectfully requests reconsideration and withdrawal of this rejection.

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### Conclusion


It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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